

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

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Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust
To Tobias Von Auw Revocable Trust dtd
11/23/04's Claim Asserting Secured Status**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Tobias Von Auw Revocable Trust dtd 11/23/04 filed Proof of Claim No. 10725-02481 against USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Tobias Von Auw Revocable Trust dtd 11/23/04's assertion that the claim is secured by a valid lien on USACM property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, for an order reclassifying Claim No. 10725-02481 as a general unsecured claim. The USACM Trust is not, by this filing, objecting at this time to any of the claims as unsecured claims or on

1 grounds that the claims were untimely filed, but reserves the right to do so. The basis for
2 this Objection is fully explained in the USACM Liquidating Trust's Motion for Summary
3 Judgment Regarding (1) Responses to the USACM Trust's First through Thirty-Third
4 Omnibus Objections to Claims Asserting a Secured Status; (2) Responses to the USACM
5 Trust's First through Third Omnibus Objections to Claims Asserting a Priority Status; And
6 (3) Newly Alleged Secured And Priority Claims (the "Motion"), filed today. The
7 USACM Trust will serve a copy of the Motion with this objection.

8 Dated: July 30, 2007.

9
10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#6593)

12 Susan M. Freeman, AZ 4199 (*pro hac vice*)

13 Rob Charles, NV 6593

14 John Hinderaker, AZ 18024 (*pro hac vice*)

15 3993 Howard Hughes Parkway, Suite 600

16 Las Vegas, Nevada 89169-5996

17 Facsimile (702) 949-8321

18 Telephone (702) 949-8320

19 Email: RCharles@LRLaw.com

20 *Counsel for USACM Liquidating Trust*